IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 425 OF 2004

Shri Uttam Shripati Gaikwad & Anr. ... Appellants.

V/s.

Shri Popat Baburao Shinde & Ors. ... Respondents.

....

Mr. Macchindra Deshmukh i/b. Mr. Milind Deshmukh for the Appellants.
None for the Respondents.

CORAM : DR.D.Y. CHANDRACHUD J.

05TH JULY 2007.

P.C. :

. The suit for possession was decreed by the learned Trial Judge and the decree has been confirmed in Appeal. The Appellant who is the original Defendant does not deny the title of the Plaintiff-Respondent to the immovable property which forms the subject matter of the suit. The title of the Plaintiff-Respondent has not been disputed before this Court as well. In paragraph 10 of the Judgment, the Appellate Court noted that the Plaintiff had purchased the land by a sale deed dated 28th November 1991 for a consideration of Rs.2,000/-. The

contention of the Appellant was that there was an oral agreement to sell with the Respondent. On a review of the evidence, both the Courts have dis-believed that there was an oral agreement to sell. The payment of the consideration of Rs.2,000/- has not been proved and the presence of the witness, D.W.2 at the time when the agreement was alleged to have been arrived at has also been dis-believed by both the Courts below.

2. No substantial question of law arises in these proceedings. There is no merit in the Second Appeal which is accordingly dismissed.